

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Defendant.

Civil Action No. 1:14-cv-14176-ADB

RESPONSE TO MOTION FOR RECONSIDERATION

Plaintiff, Students for Fair Admissions, Inc., takes no position with respect to the motion of the Reporters Committee for Freedom of the Press (Doc. 713) to the extent it seeks reconsideration of the denial of its motion to intervene.

With respect to the Reporters Committee’s motion to reconsider the merits of the Court’s decision on sealing, SFFA strongly disagrees with the suggestion that information disclosing the identity of applicants to Harvard, including SFFA’s standing members, should be publicly disclosed. Individual applicants are “not parties” to this action, *NAACP v. Ala. ex rel. Patterson*, 357 U.S. 449, 459 (1958). Indeed, SFFA’s standing arises from the fact that “the individual participation of” its members is *not* “indispensable to proper resolution of the cause.” *Hunt v. Wash. State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977); *see also New York v. U.S. Dep’t of Com.*, 351 F. Supp. 3d 502, 606 n.48 (S.D.N.Y.) (explaining that standing members can remain anonymous due to, among other reasons, their right to associational privacy), *aff’d in part*, 139 S. Ct. 2551, 2565-66 (2019). The Reporters Committee’s assertion that standing members are akin to pseudonymous litigants, *see* Mot. at 5, thus misses the mark. Consistent with its prior position, *see* Doc. 702, SFFA urges the Court to continue to seal any information in the sidebars that would personally identify non-consenting applicants—SFFA members or not—but otherwise takes no position on the motion for reconsideration.

Dated: January 12, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document was filed via the CM/ECF system, which will notify all counsel of record.

/s/ Patrick Strawbridge
Counsel for Plaintiff